

**SUMMARY OF TWO DECISIONS RENDERED BY  
ANSLS COMPLAINTS COMMITTEE  
WAYNE COLLET #623**

**Overview**

Two complaints were initiated by the Association's Survey Review Department respecting surveys prepared by Wayne Collet. Mr. Collet is a surveyor licensed to practice in Nova Scotia since 2004. He has been employed with the Nova Scotia Department of Lands and Forestry since that time, although he has conducted private surveys as well. The first complaint relates to the conduct of a private survey, and the second relates to a survey prepared in the course of his employment.

**First Complaint**

A client discovered that their septic system encroached upon lands of a neighbouring property and engaged Mr. Collet to subdivide a 100' wide parcel from lands owned by a neighbouring estate, and to add those lands to his lands. Mr. Collet explained that an engineer's report would not be required if the lot was able to fit a minimum 76.2 m diameter circle within its boundaries. The client agreed to that proposal and the survey was conducted accordingly.

In its review of the survey, the Complaints Committee identified the following issues:

1. The survey markers were not placed where they were noted.
2. A sewer bed crossed the common boundary. Surveying a separate lot does not solve the encroachment problem for the client.
3. There was no math to locate the easement/right-of-way. A proper mathematical definition should have been noted for both the right-of-way easement and the waterline easement. Mr. Collet acknowledged this but indicates he missed it because he did not have his plan checklist.
4. Mr. Collet failed to locate a monument.
5. The boundaries were not cut out and blazed.
6. The location of the survey markers were apparently determined by GPS measurements, with no check measurements to ensure the proper mathematics on the corners.
7. The field notes were deficient, consisting of a cover page, two sketches and page with point number descriptions, contrary to Sections 4.1.3, 4.1.4, 4.1.5, 4.1.7 and 4.1.10 of the *Standards of Practice*.
8. Contrary to Section 3.9 of the *Code of Ethics*, Mr. Collet borrowed a GPS receiver from his employer to conduct the survey.
9. Contrary to Section 3.9 of the *Code of Ethics*, Mr. Collet reported using a "Carlson Survey 2015" for his coordinate geometry calculations.
10. The common boundaries of the lots were converted from feet to metres, but were not reduced to grid distances. Mr. Collet advised that all distances were actually ground

distances but that he left the grid note on the Plan by mistake. He further acknowledged he set the survey markers using GPS equipment, which produces grid distances unless the scale factor is set on the GPS, although there is no such explanation on the Plan, nor in the field notes to verify this.

11. In the absence of the septic encroachment being shown on the Plan, Mr. Collet provided no protection or even notice of the encroachment to the future owners of the parcels.

### **Conclusion of Complaints Committee re First Complaint**

The Complaints Committee found there was sufficient evidence to support a finding of professional misconduct or incompetence in the matters identified above.

Under the authority of subsection 27(4)(d) and (e) of the Regulations under the *Land Surveyors Act*, the Committee entered a consensual agreement with Mr. Collet to resolve this matter on the basis that Mr. Collet was reprimanded for the incompetence and professional misconduct demonstrated in the course of the matters giving rise to the complaint.

Further, Mr. Collet consented to the following conditions and restrictions:

- (a) He must write and pass the jurisdictional examination of the Association no later than December 31, 2021;
- (b) He must prepare and record a retracement survey for the lands that were the subject of the complaint, showing the septic location, no later than October 31, 2021;
- (c) Mr. Collet must submit all surveys he prepares during the calendar year 2021 for independent review by a reviewer appointed by the Association, with the cost to be borne by Mr. Collet; and
- (d) Mr. Collet is restricted from providing any services outside of his employment with the Government of Nova Scotia, other than those approved by the Complaints Committee for purposes of this decision.

The Committee was satisfied that the consensual reprimand and the conditions and restrictions agreed to by Mr. Collet were sufficient to reflect the serious deficiencies in Mr. Collet's knowledge, skill and judgment as a professional surveyor demonstrated by this complaint.

## **Second Complaint Arising from Survey Conducted in the Course of Government Employment**

### Overview of Complaint

The survey in question was conducted in 2012 and falls under the old Regulations in effect at that time.

Mr. Collet was instructed by his employer to survey of 5-acre parcel, with the exact dimensions to depend on "the field location of driveways, the buildings, service utilities and encumbering rights-of-way".

The Committee identified the following concerns with respect to this survey:

1. Mr. Collet had not set survey markers as identified on this plan;
2. The boundary lines were not brushed out;
3. Mr. Collet's Plan shows sheds clearly on the property, but no clearance ties are shown;
4. The Nova Scotia Power Easement has no mathematical ties;
5. There were no field notes, observation data or computations provided to the Committee by Mr. Collet as requested by the Committee;
6. The measured GPS coordinate values do not match the published coordinate values; and
7. Mr. Collet instructed his draftsman to place his electronic signature on the Plan, without supervising the survey, contrary to Section 79(2)(a) of the *Code of Ethics*.

### **Decision of the Complaints Committee**

The Committee found there was sufficient evidence to support a finding of incompetence and/or professional misconduct, and agreed to resolve the matter on the basis of a consensual reprimand and conditions. The conditions mirrored the language set out above for the privately conducted survey in terms of the requirement to complete the jurisdictional exam, to submit his 2021 surveys for review by the Association and to restrict his practice to his employment pending satisfactory completion of all conditions.

The Committee was satisfied that the consensual reprimand and the conditions and restrictions reflected the serious deficiencies in Mr. Collet's knowledge, skill and judgment, and provided a method of remediation for such deficiencies.